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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,234	05/31/2001	Dean Tan	50277-1512 (OID-2000-059-	2418
29989	7590	09/23/2004	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 1600 WILLOW STREET SAN JOSE, CA 95125			WOOD, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/872,234

Applicant(s)

TAN ET AL.

Examiner

William H. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 03/08/04 ✓
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

Claims 1-44 are pending and have been examined.

#### *Priority*

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior **nonprovisional** application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

#### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 08 March 2004 was considered by the examiner.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 22 and 44 are rejected under 35 U.S.C. 102(a) as being anticipated by **Aronberg** et al. (USPN 5,933,647).

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Claim 22

**Aronberg** disclosed a method of installing an application on a computing device (*column 2, line 52 to column 3, line 14*), the method comprising the steps of:

- ♦ receiving instructions for causing a processor on the computing device to perform one or more functions of the application (*column 2, lines 52-54; column 4, lines 24-26*);
- ♦ receiving a data structure holding data indicating one or more steps for installing the application on the computing device (*column 4, lines 24-26*); and
- ♦ in response to receiving the data structure, automatically performing the step of installing the application on the computer device based on the data in the data structure (*column 2, line 59 to column 3, line 1*).

Claim 44

The limitations of computer-readable medium claim 44 are substantially similar to the limitations of method claim 22 and as such are rejected in the same manner.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 and 23-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aronberg** et al. (USPN 5,933,647).

Claim 1

**Aronberg** disclosed a method for automatically installing an application on a device on a network (*column 2, line 52 to column 3, line 14*), the method comprising the steps of:

- ♦ data indicating device resources on the device (*column 4, lines 62-67; criteria which must be met*);
- ♦ requesting a application from the server (*column 4, lines 54-56*);
- ♦ downloading from the server an initial customized value for a configuration parameter based on the device resources and the application (*column 2, lines 1-12, and lines 54-56; column 5, lines 44-48; column 9, lines 28-32; figure 4, variables to set; figure 7, variables set, files per directory*);
- ♦ downloading the database application to the device (*column 2, lines 59-61*); and
- ♦ installing the application on the device with the initial customized value for the configuration parameter (*figures 4 and 7; column 9, lines 28-32*).

**Aronberg** did not explicitly state *database application*. **Bigus** demonstrated that it was known at the time of invention to have database applications installed on

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network systems (column 1, lines 14-27 and lines 62-64). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg** with database applications as found in **Bigus'** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to install database products in order to provide database functionality to a network and thus increase the value of the system.

**Aronberg** did not explicitly state *sending to a server data indicating device resources*. **Callaway** demonstrated that it was known at the time of invention to seek centralization of data and software (column 3, lines 2-4). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg** with centralized software for evaluating device resources as found in **Callaway's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to centralize software in an effort to reduce out-of-date or hard-to-update agents from being dispersed throughout a network, it is easier to update one location.

#### Claim 2

**Aronberg** and **Callaway** did not explicitly state the method of Claim 1 further comprising the step of monitoring logs of actual use of the device resources.

**Bigus** demonstrated that it was known at the time of invention to tune databases

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via acquired metrics (column 1, lines 38-64; column 2, lines 53-59). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg** with software tuning as found in **Bigus**' teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to improve performance of distributed/network systems (**Bigus**: column 1, lines 19-27 and lines 38-49).

Claim 3

**Aronberg**, **Bigus** and **Callaway** disclosed the method of claim 2, further comprising, after the database application has been installed, tuning the value of the configuration parameter based on logs of actual use of the device resources (*see above claim 3*).

Claim 4

**Aronberg**, **Bigus** and **Callaway** did not explicitly state the method of claim 1, wherein:

- ♦ the method further comprises, after requesting the database application from the server, receiving at the device a network address of a source for the database application; and
- ♦ the step of downloading the database application comprises downloading the database application to the device from the source.

Official Notice is taken that it was known at the time of invention to make use of distributed servers and downloading redirection. It would have been obvious to

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one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg**, **Bigus** and **Callaway** with receiving an alternate server to download from. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make use of standard network environments in order to increase usefulness and applicability of the installation system (for example: download straight from the vendor, which is most likely to be most accurate and up-to-date).

Claim 5

**Aronberg**, **Bigus** and **Callaway** disclosed the method of claim 4 wherein the source is a second server that is distinct from the server from which the database application is requested (*see above claim 4, for example downloading from vender*).

Claim 6

**Aronberg**, **Bigus** and **Callaway** disclosed the method of claim 1, wherein the device is a database appliance having database software and non-database software tailored to the needs of the database software (**Bigus**: *disclosed database software as shown above; Aronberg*: *showed at least the agent software responsive to the database for installation; and Bigus*: *at least the tuning software responsive to the database software*).



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Claim 7

**Aronberg, Bigus and Callaway** disclosed the method of claim 1, wherein:

- ♦ the server is a community server used to install the database application on a plurality of devices (**Aronberg**: figure 1); and
- ♦ the community server sends to each device of said plurality of devices initial customized values for the configuration parameter based on the resources on said each device (**Aronberg**: figure 1; column 4, lines 54-56).

Claim 8

**Aronberg, Bigus and Callaway** disclosed the method of claim 4, wherein the source is a community server used to install the database application on a plurality of devices and the network is the Internet (**Aronberg**: figure 1; and above claim 4 vnder example; and **Bigus**: column 2, line 45).

Claim 9

**Aronberg, Bigus and Callaway** did not explicitly state the method of claim 1, wherein the server is a platform at an Internet database service provider (**Bigus**: column 2, line 45; and **Callaway**: column 4, line 33).

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Claim 10

**Aronberg, Bigus and Callaway** disclosed the method of claim 4, wherein the source is a platform at an Internet database service provider (*see above claim 4, vender example*).

Claim 11

**Aronberg, Bigus and Callaway** disclosed the method of claim 1, wherein the data indicating device resources includes data indicating at least one of a consumable resource and an application already installed (**Aronberg:** column 5, lines 44-48; column 9, lines 28-32).

Claim 12

**Aronberg, Bigus and Callaway** disclosed the method of claim 11, wherein the data indicating the consumable resource includes data indicating at least one of storage space, number of licensed users, maximum processor usage rate, and maximum transaction rate (**Aronberg:** column 5, lines 44-48; column 9, lines 28-32).

Claim 13

**Aronberg, Bigus and Callaway** disclosed the method of claim 1, wherein:

- ♦ the device is a database appliance having database software and non-database software tailored to the needs of the database software (**Bigus:** disclosed database software as shown above; **Aronberg:**

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*showed at least the agent software responsive to the database for installation; and **Bigus**: at least the tuning software responsive to the database software); and*

- ♦ the data indicating device resources includes a type of the database appliance (**Aronberg**: column 5, lines 44-48; **Bigus**: column 1, lines 62-64).

#### Claim 14

**Aronberg, Bigus and Callaway** disclosed the method of claim 1, wherein the configuration parameter is at least one of a size for a shared global area of memory for the application, a size for a private cache memory, a size for a tablespace, and a size of a data block (**Aronberg**: column 5, lines 44-48; column 9, lines 28-32).

#### Claim 15

**Aronberg, Bigus and Callaway** disclosed the method of claim 3, wherein the logs of actual use include data indicating at least one of number of disk reads, number of disk writes (**Aronberg**: column 2, lines 1-8).

#### Claim 16

**Aronberg, Bigus and Callaway** did not explicitly state the method of claim 1, further comprising:

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- ♦ sending to the server a request for selectable database applications,  
and
- ♦ receiving from the server data indicating a set of one or more  
selectable database applications.

Official Notice is taken that it was known at the time of invention to select via a user an application for installation. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg, Bigus and Callaway** with user selecting software to install. This implementation would have been obvious because one of ordinary skill in the art would be motivated to a user further control over their system in order to make adjustments specific to their individual needs.

Claim 17

**Aronberg, Bigus and Callaway** did not explicitly state the method of claim 1, further comprising:

- ♦ sending to a user data indicating a set of one or more selectable  
database applications; and
- ♦ receiving input from the user indicating the database application  
selected.

Official Notice is taken that it was known at the time of invention to select via a user an application for installation. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Aronberg, Bigus and Callaway** with user selecting software to install. This

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implementation would have been obvious because one of ordinary skill in the art would be motivated to a user further control over their system in order to make adjustments specific to their individual needs.

Claim 18

**Aronberg, Bigus and Callaway** disclosed the method of claim 17, wherein:

- ♦ the network is the Internet (**Bigus**: column 2, line 45); and
- ♦ the data indicating a set of one or more selectable database applications are sent from an internet database service provider system which manages the device (**Aronberg**: figure 1).

Claim 19

**Aronberg, Bigus and Callaway** disclosed the method of claim 1, wherein the database application is configured to interact with a database server device distinct from the device (**Bigus**: column 1, lines 62-64 and column 2, line 45).

Claim 20

**Aronberg, Bigus and Callaway** disclosed the method of claim 19, wherein the device and the database server device are managed by an internet database service provider system (**Bigus**: column 2, line 45).

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Claim 21

The limitations of method claim 21 are substantially similar to the limitations of method claim 1 and as such are rejected in the same manner.

Claims 23-43

The limitations of computer-readable medium claims 23-43 are substantially similar to the limitations of method claims 1-21 and as such are rejected in the same manner.

**Correspondence Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood  
September 18, 2004



ANIL KHATRI  
PRIMARY EXAMINER